

Grand Jury Final Report

January 2005 Term

Presented to:

**The Honorable Cheryl Blackburn
Criminal Court Division III
Davidson County, Tennessee**

On March 22, 2005

We the Grand Jurors for the January, 2005 term submit the following report in summary of the three months served in Davidson County, Tennessee.

I. Introduction.

Though the experience of serving on the Grand Jury has been a serious time commitment for the twelve regular jurors and several alternate jurors, it has allowed all of the jurors to learn a great deal about both the criminal judicial process and local government. In our 30 sessions we heard 681 cases. We have returned 671 True Bills and 10 No True Bills.

During the course of our three months of service the grand jury members, individually and collectively, made a series of observations listed below.

II. Compliments & Accomplishments.

The majority of the police officers presented their cases thoroughly and succinctly which was appreciated by all the jurors. Unfortunately, there were a few officers whose testimony was difficult to follow or who presented numerous extraneous pieces of information making the testimony unnecessarily long. There were also a few officers who appeared to have been subpoenaed erroneously as they either knew nothing about the allegations to be presented or only possessed partial knowledge. The Grand Jury believes that it is generally most beneficial to hear testimony from an officer who was directly involved in the witnessing and/or investigation of the alleged crimes as this prevents both wasting time and the subsequent need to subpoena other witnesses.

I think everyone who was present during Chief Serpas' visit agrees that it was both impressive and illuminating. Chief Serpas was extremely candid about his changes, problems in the police department, and ongoing issues the police department and Nashville face in the future as well as the successes he and the department have had. I think a lot of the jurors were very supportive of the Chief's neighborhood oriented view of police work. I think every single juror was understandably impressed by Chief Serpas' dedication to making those who enforce the law also obey the law and to making sure that everyone regardless of his/her position is subject to the laws. The only disappointing feature of Chief Serpas' visit was his non-committal response to the jurors concern about the rate of prosecution and arrest for the crimes of domestic violence, child abuse, child sexual abuse and rape. (This will be discussed in more detail in section III).

One of our field trips was to the Jail Facility downtown. We had a thorough and extensive tour, courtesy of Darryl Knight, which took us through the entire admission process from arrest to incarceration. We were also glad to learn of the recent upgrades in the computer equipment and fingerprint scanning abilities. During this visit we also went to Night Court and met with the Commissioner, Carolyn Piphus. She spent quite a bit of time with us explaining the night court process and answering our questions.

On another field trip the Grand Jury went to Juvenile Court and met Judge Betty Green. Judge Green gave every juror an information packet as well as a full tour of the facility and a lot of information on Juvenile Court and the process of being adjudicated delinquent and issues of

abuse and neglect. Many of the jurors were impressed with her depth of knowledge and commitment. There are some problems with the Juvenile Detention Center (JDC). Specifically the JDC building itself is very poorly designed. Teens desperately need an outlet for their energies, but all that is available at the JDC is a ping pong table and a few weight machines. The exercise yard has no roof so, if the weather is bad for several days the detainees cannot use this area. Physical exercise is an excellent method for the incarcerated teens to handle frustrations; thus more opportunities for this need to be provided.

We also visited Judge Seth Norman's Drug Court which appears is a very promising program and effective method of actually helping people suffering from drug addiction. The residents of the program keep the facility clean and take deserved pride in their various self-supporting efforts. It is infinitely preferable to cure an addict of his/her addiction rather than to merely warehouse them in the prison until their time is served and they return to their addiction. Judge Norman graciously had a lengthy lunch with us and explained the origins of the drug court program. The delicious lunch served to the grand jury was prepared and served by the residents. The delicious lunch served to the grand jury was prepared and served by the residents. Our in depth tour was given by Janet Hobson the Director as well as several residents. Due to the importance and success of the drug court program, many jurors believe it could become even more so and reach more participants with federal funding.

Most of the jurors truly enjoyed the visit to the Police Training Academy where we had the opportunity to use the driving simulator and the "shoot don't shoot" simulator. Our informative escorts were Capt. Gary Goodwin and Sgt. William Dyer. We appreciated their thoroughness and expertise. We also enjoyed the opportunity to ride in the helicopter courtesy of Officer Andy Smeltzer, and to watch the K-9 dog demonstration courtesy of Sgt. Gary Duncan.

Towards the end of our service we visited the Firefighters Training Academy which was very informative. It was very reassuring to learn that all the firefighters are also trained as EMTs. The head of the academy also discussed the idea that the land between the police academy and the fire academy be used to build a pseudo-town for dual training. Many jurors believe this to be an excellent idea.

Finally we visited the Riverbend Correctional Facility which was both clean and safe for both inmates and staff. We were also pleased to learn that a lot of the overcrowding problems from the past are being remedied.

Taken as a whole we found the experience to serve on the Grand Jury positive and enlightening.

III. Issues, Difficulties and Suggestions.

As jurors we learned that some crimes and some factual situations are more complicated than others. For example, money laundering is a complicated process that is difficult to understand. In situations like this it may be helpful to have a chart or diagram of the money trail which could help jurors understand.

The jury also had some difficulty understanding the large variations in the bond set in the same or similar crimes for different individuals. It is also a concern that the difference may, in some cases, be due to race. For example – in a case we heard a Caucasian male charged with 2 counts of rape of a child and his bond was set at \$75,000 whereas a Hispanic male with 3 counts of the exact same crime (rape of a child) bond was set at 250,000. In addition, many members of the jury felt that the bond set for crimes of child abuse and child sexual abuse should consistently be set at \$100,000 or more. This is especially true in cases where the parent, step-parent, or live-in significant other is the perpetrator and his/her release would only allow him/her access to the hapless victims.

The bond for crimes against children is merely one facet of the issue that truly concerned many of the jurors. The most disturbing cases to hear are the ones involving crimes against children. Even more horrifying than the facts of the case is the disturbing realization that only a small fraction of these crimes is discovered and even a smaller fraction of those are prosecuted. According to the US Department of Health and Human Services an estimated 1,553,800 children in the United States were abused or neglected. According to Nashville's Rape and Sexual Abuse Center (RASAC) - 1 in 3 girls and 1 in 6 boys will be sexually abused by the time they reach 18. Also according to RASAC 89% of child sexual assault cases involve persons known to the child, such as a caretaker or family acquaintance. Even though the cases we saw were distressing, there were far too few of them. These crimes deserve and demand the full weight of the government in investigating and prosecuting it.

For example, in one case we reviewed a police officer responded to a report of a pedophile registry violation. The violation was that a convicted pedophile was living with his girlfriend and her three children. The police officer simply arrived at the house and arrested the pedophile. However, he did not interview the children to determine if they had experienced sexual abuse, which is very likely. When asked about interviewing the children living with the pedophile, the officer responded that he reported the situation to DCS. However, based on what he knew all he could have reported to DCS was that three children were living with a person on the pedophile registry. This report contains absolutely no allegations of child sexual abuse, and thus nothing for DCS to investigate. Moreover, the police officer had the perfect opportunity to talk to the children and get them immediate help or even remove them from the home if warranted. Yet he just left them there with a mother who willingly exposed her children to a pedophile and would likely let him come right back in the front door after he finished his booking process. This lack of action is irresponsible and absolutely unacceptable because it completely fails to protect the most vulnerable of our citizens.

Similarly, though the crimes of rape and domestic violence were very difficult to hear, there were far too few of them. Statistically 1 in 4 women are raped. With a population of approximately 500,000 persons, the Grand Jury for Davidson County should hear many many more rape allegations. The same is unfortunately true for domestic violence. It was also very disappointing to learn that domestic violence is a misdemeanor. Crimes which harm human beings should be treated with the utmost seriousness and significantly greater punishments than victimless crimes and crimes solely against property.

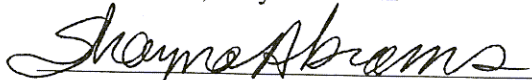
V. **Thanks.**

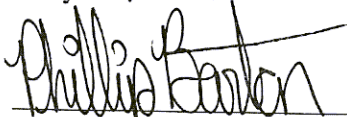
We would like to thank the people who graciously took time out of their busy schedules to speak to us and educate us, most of which were mentioned above. However, we would also like to thank Mayor Purcell and Karl Dean, Legal Director, for updating us on the progress of Nashville and Davidson County as well as Capt. Rita Baker who taught us about domestic violence and was instrumental in helping us all understand the danger and the ongoing dynamic between the victim and the abuser. We also appreciate the two officers who came in on our first day to teach us about illegal drugs and their common methods of use.


Several jury members went on "ride alongs" in Central district or in their own districts and wanted the officers who took them to know how much they appreciated the insight and opportunity.

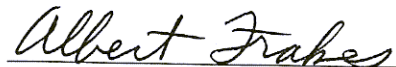
We would also like to thank the staff whose help enabled us to hear and vote on so many cases: Judge Cheryl Blackburn, Donna Draper, District Attorney Tory Johnson and the Assistant DA's who advised us, Donna Dale who kept our paperwork in order, and especially Stan Fossick. Stan's calm demeanor as our foreman, his experience and knowledge of the criminal justice system was invaluable to keep the process moving smoothly.

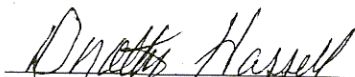

Stan Fossick, Jury Foreman

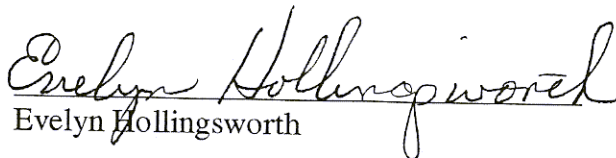

Shayna Abrams

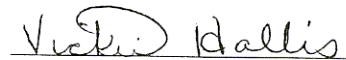

Phillip Barton

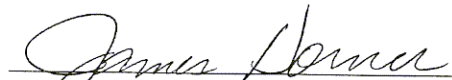

Lloyd Ellis

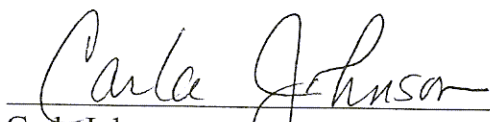

Albert Frakes

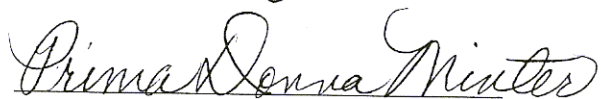

Dorothy Hassell


Evelyn Hollingsworth



Vicki Hollis


James Horner


Carla Johnson


Prima Donna Minter


Cecil Risby


Debra Wison